

REMARKS

Claims 2, 4 and 53-66 are pending in the application. Claims 1, 3 and 5-52 have been canceled. Claims 2 and 4 have been amended. Claims 53-66 are newly added. Reconsideration of the rejection and allowance of the pending application in view of the following remarks are respectfully requested.

As an initial matter, Applicants would like to thank the Examiner for acknowledging Applicants' claim for foreign priority, and receipt of all of the certified copies of the priority documents. Applicants would also like to thank the Examiner for indicating that he has considered all of the documents cited in the Information Disclosure Statement filed on December 18, 2001.

In this amendment, Applicants cancel claims 2, 4 and 53-66, which were withdrawn from consideration by the Examiner. However, this should not be viewed as acquiescence of the propriety of the Examiner's Restriction Requirement. Further, Applicants expressly reserve the right to include these claims in a subsequent divisional application.

In the Office Action, the Examiner rejected claims 2, 4 and 22 under 35 U.S.C. §102(e) as being anticipated by Takeda et al. (U.S. Patent No. 6,438,213). Applicants respectfully traverse the rejection for at least the following reasons.

The present invention is directed towards a transmitting apparatus that transmits a storage identifier that identifies one of a plurality of storage media connected to a receiver, an inherent number corresponding to one of a plurality of storage media, an installation place corresponding to one of a plurality of storage media, or a kind of storage medium.

One of the advantages of the present invention is that by identifying a kind (type) of storage medium, such as, but not limited to, a tape, or hard disk (see, for example, paragraph 0016 of Applicants' specification), digital video and/or audio content may be transmitted to a specific storage medium or media, thus protecting the copyright of the content.

Another advantage of the invention is that it makes a receiving device more user-friendly. For example, if a user wishes to transmit digital video content only to a hard disk, and transmit digital audio content only to a tape, this sorting operation is automatically performed by using the storage identifier without any user interruption.

Applicants respectfully submit that the 35 U.S.C. § 102(e) rejection of claims 2, 4 and 22 does not comply with the requirements of 37 C.F.R. 1.104. Section (2) of 37 C.F.R. 1.104 provides that "[i]n rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified" (emphasis added).

In rejecting claims 2, 4, and 24, the Examiner baldly asserted that Takeda teaches all of the claimed features of the invention, without any explanation whatsoever. The Examiner cited Figures 12-14 and the entire Summary of the Invention (which is essentially a recitation of the claims) without explaining which features of Takeda's invention, in his mind, correspond to Applicants' claimed invention. Upon review of the section of Takeda cited by the Examiner, Applicants have been unable to discern a

remote resemblance to the claimed invention. In order to appropriately respond to the position of the Examiner, Applicants require the Examiner to present a much more detailed explanation of his reasoning.

Further, Applicants respectfully submit that since the Examiner's rejection lacks explanation, it would be entirely improper for the Examiner to make a subsequent Office Action final.

Takeda discloses a unique transmit ID, which identifies a transmit message transmission (see col. 2, lines 7-9), a unique receive ID, which identifies a received message reception (see col. 2, lines 20-22), a message ID, which identifies a transmit or receive message (see col. 7, lines 3-11), a first ID, which is added to a transmit message by a user and corresponds to a receive ID to be added to a receive message (see col. 7, lines 31-35), and a second ID, which is added to a transmit message by a user and corresponds to a transmit ID to be added to a receive message (see col. 7, line 65 – col. 8, line 2). Applicants submit that none of these identifiers correspond to the storage identifier recited in Applicants' claims.

Applicants respectfully submit that Takeda fails to disclose (or even suggest) a transmitting apparatus that transmits a storage identifier that identifies one of a plurality of storage media, as recited in independent claim 2.

Applicants respectfully submit that Takeda also fails to disclose or suggest a transmitting method that includes transmitting a storage identifier that identifies one of a plurality of storage media, and data to be accumulated on the storage medium identified by the storage identifier, as recited in independent claim 4, for example.

For at least these reasons, Applicants respectfully submit that the 35 U.S.C. § 102(e) rejection of independent claims 2 and 4 is improper, and request withdrawal of the rejection.

Applicants submit that claim 22 has been canceled, and thus the rejection of claim 22 is moot. However, cancellation of the claim should not be viewed as an acquiescence by Applicants of the propriety of the rejection.

Newly added independent claims 53 and 57 recite a transmitting apparatus and method for transmitting a storage identifier that identifies an inherent number corresponding to one of a plurality of storage media connected to a receiver. Support for this feature can be found, for example, in paragraph 0016 of the specification. Applicants respectfully submit that Takeda fails to disclose or suggest this feature. For at least this reason, Applicants respectfully submit that independent claims 53 and 56 are in condition for allowance.

Newly added independent claims 54 and 58 recite a transmitting apparatus and method for transmitting a storage identifier that identifies an installation place corresponding to one of a plurality of storage media connected to a receiver. Support for this feature can be found, for example, in paragraph 0016 of the specification. Applicants respectfully submit that Takeda fails to disclose or suggest this feature also. For at least this reason, Applicants respectfully submit that independent claims 54 and 57 are also in condition for allowance.

Newly added independent claims 56 and 59 recite a transmitting apparatus and method for transmitting a storage identifier that identifies a kind of storage medium.

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Newly added dependent claims 56 and 60-68 are also submitted to be in condition for allowance for at least the reasons set forth above with respect to independent claims 2, 4 and 54.

Based on the above, it is respectfully submitted that this application is now in condition for allowance, and a Notice of Allowance is respectfully requested.

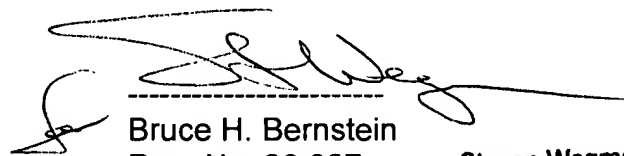
SUMMARY AND CONCLUSION


Entry and consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate. Applicants have made a sincere effort to place the present invention in condition for allowance and believe that they have now done so.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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